

CITY OF SWEETWATER
REGULAR COMMISSION MEETING
MINUTES

MEETING DATE: JANUARY 9, 2012 AT 8:00 P.M. COMMISSION CHAMBERS, 500 SW 109 AVENUE

1. ROLL CALL.

Present: Honorable Manuel L. Marono, Mayor; Commission Vice President Jose M. Diaz; Commissioners Jose Bergouignan, Jr., Manuel Duasso, Jose M. Guerra and Orlando Lopez; City Attorney Ralph Ventura and City Clerk Marie Schmidt.

Absent: Commissioner Prisca Barreto.

2. PLEDGE OF ALLEGIANCE.

President Diaz led the Pledge of Allegiance.

3. INVOCATION.

President Diaz gave the Invocation.

4. SPECIAL PRESENTATIONS.

A. SWEARING-IN OF MANUEL SOLER AS POLICE CHAPLAIN.

Chief Fulgueira administered the Oath of Office to Chaplain Soler.

B. PRESENTATION OF AWARDS TO WINNERS OF CHRISTMAS HOUSE PROGRAM.
(COMMISSIONER BARRETO)

To be held at the February meeting.

5. ACCEPTANCE OF COMMISSION PRESIDENCY BY COMMISSION VICE PRESIDENT JOSE M. DIAZ.

Commission Vice President announced his decision to accept the Commission Presidency.

6. ELECTION OF COMMISSION VICE PRESIDENT.

Commissioner Guerra nominated Commissioner Lopez for Commission Vice President. There being no further nominations, Commissioner Guerra moved to elect Commissioner Lopez. Commissioner Duasso seconded and the motion carried by a unanimous vote of 5-0.

7. FILLING OF VACANCY IN COMMISSION GROUP 4 SEAT CREATED BY THE PASSING OF COMMISSION PRESIDENT ARIEL J. ABELAIRAS.

President Diaz called for nominations. Mayor Marono recommended resident Ron Adams by memo but no nomination of him was forthcoming. Commissioner Lopez nominated Isolina Marono. Commissioner Bergouignan nominated Elizabeth Abelairas. There being no further nominations offered, President Diaz closed nominations and called for a vote on the nomination of Isolina Marono. A resolution electing Mrs. Marono was adopted by a vote of 4-1 with Commissioner Bergouignan casting the dissenting vote. This resolution was assigned #3610. City Attorney Ventura announced that Mayor Marono has a legal conflict and cannot sign the resolution therefore Commissioner Diaz will sign as both Mayor and Commission President.

8. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, HONORING THE MEMORY OF COMMISSION PRESIDENT ARIEL J. ABELAIRAS BY DESIGNATING S.W. 1ST STREET BETWEEN S.W. 102 AVENUE AND S.W. 103 COURT IN THE CITY OF

SWEETWATER TO ALSO BE KNOWN AS ARIEL J. ABELAIRAS WAY; PROVIDING AN EFFECTIVE DATE.

Upon motion, second and affirmative vote by the entire Commission, the foregoing resolution was adopted and assigned #3611.

9 PRESENTATION OF EMPLOYEE OF THE MONTH AWARD.

Mayor Marono selected Abraham Alba as Employee of the Month.

10. PRESENTATION OF OFFICER OF THE MONTH AWARD.

None this month.

11. REPORTS OF OFFICERS, BOARDS AND COMMITTEES.

None.

12. ADDITIONS AND DELETIONS TO THE AGENDA.

Item E under Staff Items was withdrawn from the agenda.

The following items were added under Staff Items:

- J. ACCEPTANCE OF PROPOSAL BY EGSC ENGINEERING CONSULTANTS IN THE AMOUNT OF \$7,850.00 FOR A PHASE I ENVIRONMENTAL SITE ASSESSMENT OF PARCELS WITHIN THE PHASE IV DRAINAGE PROJECT BOUNDARIES. (MAYOR MARONO/CHIEF OF STAFF)*
- K. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE GRANT FOR ACCEPTANCE OF GRANT FUNDING FROM MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE. (MAYOR MARONO/CHIEF OF STAFF)*
- L. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING A CONTRACT WITH T.Y.LIN INTERNATIONAL/H.J.ROSS ASSOCIATES, TO CONDUCT CE&I WORK FOR THE ROADWAY ENHANCEMENT PROJECT IN THE CITY; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/CHIEF OF STAFF)*
- M. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, DELETING SECTION 1.07.00 OF THE LAND DEVELOPMENT CODE IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (MAYOR MARONO/CITY ATTORNEY)*
- N. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, AMENDING ARTICLE IX, SECTION 9.07.00 OF THE LAND DEVELOPMENT CODE OF THE CITY OF SWEETWATER BY ELIMINATING THE LIMIT OF TWO APPLICATIONS PER YEAR; BY ELIMINATING THE SMALL SCALE DEVELOPMENT PROVISION; REQUIRING THE APPLICANTS PAY THE COST OF PUBLICATIONS AND REVIEWS; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (MAYOR MARONO/CITY ATTORNEY)*
- O. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RECYCLING INTERLOCAL AGREEMENT, COLLECTION INTERLOCAL AGREEMENT AND DISPOSAL INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO FACILITATE THE CITY'S COLLECTION OF RESIDENTIAL GARBAGE AND BULK TRASH; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO)*

13. CONSENT AGENDA.

The City Clerk asked that Item A on the Consent Agenda be removed. Upon motion by Commissioner Guerra, second by Commissioner Duasso and unanimous 5-0 vote, Items B and C on the Consent Agenda were adopted as presented.

A. APPROVAL OF MINUTES FOR DECEMBER COMMISSION MEETING.

Withdrawn.

B. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENT WITH FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR RECEIPT OF \$2,256.00 IN FEDERAL FISCAL YEAR 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM - FLORIDA JAG DIRECT FUNDS; PROVIDING FOR TRANSMITTAL AND EFFECTIVE DATE. (MAYOR MARONO/GRANT ADMINISTRATOR)

Adopted and assigned #3612.

C. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PRE-DISASTER MITIGATION GRANT PROGRAM (PDM) BETWEEN THE CITY OF SWEETWATER AN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, (DEM) FOR CONTRACT NUMBER 12DM-8Z-11-23-02; PROVIDING FOR TRANSMITTAL AND EFFECTIVE DATE. (MAYOR MARONO/GRANT ADMINISTRATOR)

Adopted and assigned #3613.

14. STAFF ITEMS.

A. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING ARTICLE VI OF THE LAND DEVELOPMENT CODE TO AUTHORIZE THE USE OF SIGNS EMPLOYING LIGHT EMITTING DIODE TECHNOLOGY, PROVIDING FOR MINIMUM STANDARDS, RESTRICTING USE TO CERTAIN ZONING DESIGNATIONS, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (SECOND READING AND PUBLIC HEARING)

The public hearing was opened. There being no persons wishing to speak, the public hearing was closed. Upon motion by Commissioners Duasso and Guerra, second by Commissioner Bergouignan and unanimous 5-0 vote, the foregoing ordinance was adopted and assigned #3614.

B. APPOINTMENT OF MEMBER TO ELECTED OFFICIALS PENSION BOARD. (MAYOR MARONO)

Upon motion by Commissioner Guerra, second by Commissioner Duasso and unanimous 5-0 vote, Commissioner Lopez was appointed to the Elected Officials Pension Board to fill the vacancy created by the death of Commissioner Abelairas.

C. SELECTION OF PROPOSAL AND AUTHORIZATION TO ENTER INTO CONTRACT WITH EGSC ENGINEERING FOR CE&I OF THE SWEETWATER RIGHT-OF-WAYS PROJECT. (MAYOR MARONO/CHIEF OF STAFF)

Chief of Staff Robert Herrada explained that this project is for the rights of way on SW 112 Avenue and along the Linear Park. The review committee ranked EGSC highest of the proposals submitted and he recommended a contract be given to EGSC. Upon motion by Commissioner Lopez, second by Commissioners Duasso and Guerra and unanimous 5-0 vote, a resolution selecting EGSC and authorizing the Mayor and City Clerk to enter into contract with EGSC was adopted and assigned #3615.

- D. AUTHORIZATION TO RENEW CREDIT LINE FOR \$3,000,000 WITH REGIONS BANK. (MAYOR MARONO/FINANCE DIRECTOR)

Finance Director Anny Chez stated the interest upon renewal will be 1.23%. Upon motion by Commissioner Bergouignan, second by Commissioner Duasso and unanimous 5-0 vote, a resolution approving the renewal was adopted and assigned #3616.

- E. SELECTION OF PROPOSAL FOR FINANCING OF COMPUTER SYSTEM. (MAYOR MARONO/FINANCE DIRECTOR)

Withdrawn.

- F. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 10890 NW 17 STREET IN THE CITY OF SWEETWATER; PROVIDING AN EFFECTIVE DATE. (MAYOR MARONO)

Commissioner Bergouignan declared a Conflict of Interest as he uses the same law firm for his personal interests. Mayor Marono explained that the property he wants the City to purchase is across from the Maintenance Yard and it is in foreclosure. He was approached by the bank to see if the City was interested. He will need Commission approval to move forward and then will have 45 days to get the property appraised and decide if the City will proceed with the purchase. Upon motion by Commissioner Lopez, second by Commissioner Guerra and unanimous 4-0 vote, the resolution was adopted and assigned #3617.

- G. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDED SECTION 42-26 OF THE CITY CODE OF ORDINANCES TO PROHIBIT PARKING ON SWALES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO)

Mayor Marono informed the Commission that there is a problem with vehicles parked in the swales blocking the view at corners and impeding the collection of garbage, trash and recycling. In addition, FEMA has threatened to withhold funding on the City's drainage projects if the City does not prohibit parking on the swales. Item H is a companion ordinance providing a second method of enforcement. Upon motion by Commissioner Lopez, second by Commissioner Bergouignan and unanimous 5-0 vote, both Items G and H passed on first reading.

- H. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING ORDINANCE 2983, CODIFIED AS SECTION 34-31 OF THE CITY CODE OF ORDINANCES, IN ORDER TO PROHIBIT PARKING OF MOTOR VEHICLES ON SWALES, DEFINING MOTOR VEHICLES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO)

Passed on first reading.

- I. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA AMENDING SECTION 2-114 OF THE CITY CODE OF ORDINANCES TO BETTER DEFINE QUALIFIED PART-TIME EMPLOYEES, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/HUMAN RESOURCES MANAGER)

City Attorney Ralph Ventura advised this ordinance simply clarifies existing code language. Upon motion by Commissioner Lopez, second by Commissioner Bergouignan and unanimous 5-0 vote, the foregoing ordinance passed on first reading.

- J. ACCEPTANCE OF PROPOSAL BY EGSC ENGINEERING CONSULTANTS IN THE AMOUNT OF

\$7,850.00 FOR A PHASE I ENVIRONMENTAL SITE ASSESSMENT OF PARCELS WITHIN THE PHASE IV DRAINAGE PROJECT BOUNDARIES. (MAYOR MARONO/CHIEF OF STAFF)

Mr. Herrada explained that the work being contracted is a requirement of the grant and is covered by grant funding. Upon motion by Commissioner Lopez, second by Commissioner Guerra and unanimous 5-0, a resolution selecting EGSC proposal and authorizing a contract for the work was adopted and assigned #3618.

- K. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE GRANT FOR ACCEPTANCE OF GRANT FUNDING FROM MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE. (MAYOR MARONO/CHIEF OF STAFF)

Upon motion by Commissioner Bergouignan, second by Commissioner Duasso and unanimous 5-0 vote, the foregoing resolution was adopted and assigned #3619.

- L. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING A CONTRACT WITH T.Y.LIN INTERNATIONAL/H.J.ROSS ASSOCIATES, TO CONDUCT CE&I WORK FOR THE ROADWAY ENHANCEMENT PROJECT IN THE CITY; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/CHIEF OF STAFF)

Upon motion by Commissioner Lopez, second by Commissioner Duasso and unanimous 5-0 vote, the foregoing resolution was adopted and assigned #3620.

- M. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, DELETING SECTION 1.07.00 OF THE LAND DEVELOPMENT CODE IN ITS ENTIRETY; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (MAYOR MARONO/CITY ATTORNEY)

City Attorney Ralph Ventura informed the Commission that this section of the Land Development Code is now obsolete since the State Statute requirement for it no longer exists. Upon motion by Commissioner Lopez, second by Commissioner Duasso and unanimous 5-0 vote, the foregoing ordinance passed on first reading.

- N. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, AMENDING ARTICLE IX, SECTION 9.07.00 OF THE LAND DEVELOPMENT CODE OF THE CITY OF SWEETWATER BY ELIMINATING THE LIMIT OF TWO APPLICATIONS PER YEAR; BY ELIMINATING THE SMALL SCALE DEVELOPMENT PROVISION; REQUIRING THE APPLICANTS PAY THE COST OF PUBLICATIONS AND REVIEWS; PROVIDING FOR CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (MAYOR MARONO/CITY ATTORNEY)

City Attorney Ventura indicated this ordinance amends the Land Development Code by deleting those requirements for adopting amendments to the Comprehensive Master Plan which limit them to be allowed only twice a year. The Florida Statute which previously limited amendments to twice per year was recently rescinded and keeping the requirements on the City's books will hinder progress especially in the newly-annexed areas. Upon motion by Commissioner Lopez, second by Commissioner Duasso and unanimous 5-0 vote, the foregoing ordinance passed on first reading.

- O. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RECYCLING INTERLOCAL AGREEMENT, COLLECTION INTERLOCAL AGREEMENT AND DISPOSAL INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO FACILITATE THE CITY'S COLLECTION OF RESIDENTIAL GARBAGE AND BULK TRASH; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO)

Mayor informed the Commission that the County has no problem with the City also handling recycling and asked that the recycling interlocal agreement be pulled from the resolution. Upon motion by

Commissioner Bergouignan, second by Commissioners Guerra and Duasso and unanimous 5-0 vote, the foregoing resolution without the recycling interlocal agreement was adopted and assigned #3621.

15. PETITIONS - COMMUNICATIONS - REMONSTRANCES.

- A. REQUEST OF JOSE A. BOLANOS FOR WAIVER OF THE \$500 POLICE ADMINISTRATIVE FEE TO RELEASE HIS VEHICLE.

Mr. Bolanos was not present.

- B. Debra Centeno was allowed to speak and gave her condolences to the family of Ariel Abelairas and to the City for his loss.

16. REPORTS.

- A. POLICE AND CODE ENFORCEMENT REPORT.

Written report submitted.

- B. PARKS AND RECREATION REPORT.

Written report submitted.

- C. MAINTENANCE DEPARTMENT REPORT.

Written report submitted.

- D. CITY ATTORNEY REPORT.

None.

- E. MAYOR'S REPORT.

Mayor Marono wished Park Director Luis Quintero well in recuperating from his surgery.

Mayor Marono advised the Commission that the City has 5 possibly 6 totaled police vehicles. The insurance money is sitting in a bank account. He stated he can buy 4 cars for the six from the sheriff's bid. The City can afford to finance 4. He asked for direction from the Commission and received informal approval.

He announced the return of the Commission secretary to work after her accident and advised his office will be working with her on details of the participation in the Three Kings Parade.

- F. COMMISSIONERS REPORT.

Commissioner Guerra suggested the City name its sweeper in memory of Commissioner Abelairas. He will discuss this with Mrs. Abelairas.

- G. ELDERLY SERVICES PROGRAM REPORT.

Written report submitted.

- H. SPECIAL PROJECTS REPORT.

Written report submitted.

I. BUILDING AND ZONING REPORT.

Written report submitted.

J. FINANCE REPORT.

Written report submitted.

K. CITY CLERK'S REPORT.

Written report submitted.

17. UNFINISHED BUSINESS.

None.

18. NEW BUSINESS.

None.

19. GOOD OF THE ORDER.

None.

20. ADJOURNMENT.

There being no further business before the City Commission, the meeting was declared adjourned at 9:15 P.M.

Marie O. Schmidt, CMC
City Clerk